

REMARKS

This responds to the Final Office Action mailed on June 29, 2006.

Claims 1, 24 and 25 are amended and claims 41-45 are added; as a result, claims 1-45 are now pending in this application.

§102 Rejection of the Claims

Claims 1-7 and 25-30 were rejected under 35 U.S.C. § 102(b) for anticipation by Yahoo! ("Yahoo Launches Three New European Auction Services; Yahoo! Italy, Yahoo! Spain and Yahoo! Sweden Unveil New Local Auctions"; hereinafter Yahoo I). The Final Office action further provided two additional supporting documents for review and consideration. The first document is by Yahoo (Yahoo!: Internet Archive Wayback Machine, www.archive.org; www.yahoo.com, 03 October 1999, hereinafter Yahoo II) and the second document is Business Wire ("New eBay-like auction software released," Business Wire, 17 March 1999, 2pgs; hereinafter Business Wire). Attorney for the Applicants and Examiner Pond discussed the above mentioned supporting documents in a telephone conversation on September 21, 2006. Applicants request that the finality of the Office Action be removed responsive to introduction of the above supporting references in rejecting claims of substantially the same subject matter.

To anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Claim 1 includes the following limitations:

determining a site that a user accesses....

retrieving a category list available for the site...and

communicating the category list and a view selection icon to the user...

the site being a regional site, the category list being a region-specific category list, the region specific category list to enable a view of a first plurality of offerings, the first plurality of offerings including a second plurality of offerings, and the view selection icon to enable an alternative view of the second plurality of offerings based on a predefined selection criteria.

The Final Office Action does not identify any specific text from Yahoo I with regard to the above limitations; however, the following may be relevant:

Sellers can conveniently market items in the local currency to regional buyers or to a global audience from any Internet-connected computer. From across the world, buyers can access items available in multiple languages and regions around the globe.

Yahoo I, page 1, first paragraph.

The above quote from Yahoo I describes seller marketing items and buyers accessing items. Sellers may market items to regional buyers or to a global audience. Buyers may access items in multiple languages and regions.

Claim 1 requires retrieving a region-specific category list that may be available for a site that a user accesses and communicating the region-specific category list to the user. In one embodiment, merely for example, a network-based commerce facility may retrieve and communicate an Australian category list to a user that accesses the network-based commerce facility from an Australian site.

In contrast, the above quote from Yahoo I does not describe retrieving a region-specific category list that may be available for a site that a user accesses and communicating the region-specific category list to the user; rather, the above quote from Yahoo I describes sellers that may market items and buyers that may access items. Indeed the above quote from Yahoo I does not describe category lists, much less region-specific category lists, or the retrieving or communicating of such lists.

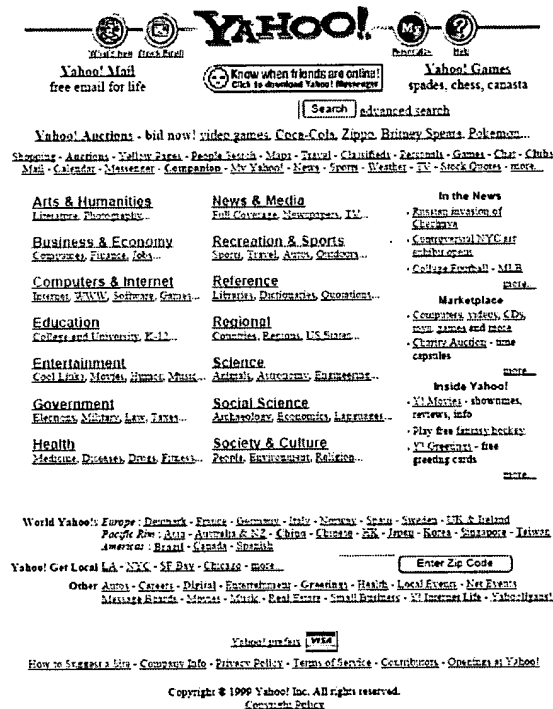
Responding to the above argument the Final Office Action states:

“A user that selects a region-specific site and receives by the system the region-specific site web page demonstrates the system determined the site the user entered. The user having entered the region-specific site receives local content.”

Final Office Action, Page 2, “Pertaining to Rejection under 35 USC 102...”

With all due respect, the above response does not address the previously mentioned limitations of claim 1. Specifically, the above response states, “[t]he user having entered the region-specific site receives local content.” Clearly “local content” is not the same as a region-specific category list, as required by claim 1. Yahoo I therefore cannot be said to anticipate the above quoted limitation because Yahoo I describes sellers that may market items and buyers that may access items and claim 1 requires retrieving a region-specific category list available for a site that a user accesses and communicating the region-specific category list to the user.

Further in response to the above argument, the Final Office Action requested review and consideration of Yahoo II and Business Wire. The Yahoo II reference is a single page screen shot and is reproduced below:



<http://web.archive.org/web/19991003015603/http://www.yahoo.com/index.html>

8/10/2006

According to the Final Office Action the above screen shot from Yahoo II “provides an active link to Yahoo! Auctions and active links to regional web sites in the United States (LA,

New York, Chicago, etc.) and regional Yahoo.com sites outside the United States (e.g., Sweden, Spain, Italy).” (Final Office Action, page 2).

Claim 1 requires a region-specific category list to enable a view of a first plurality of offerings, the first plurality of offerings including a second plurality of offerings, the first plurality of offerings including a second plurality of offerings, the view selection icon to enable an alternative view of the second plurality of offerings based on a predefined selection criteria. Merely for example:

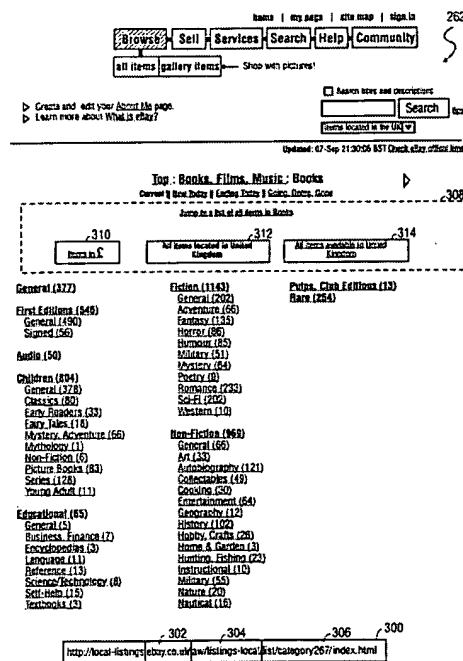


FIG. 12A

The **Figure 12A** shows a page that includes a region-specific category list that enables a view of book offerings (e.g., first plurality) according to the respective region-specific categories available on a United Kingdom site. The **Figure 12A** further shows three example view selection icons (e.g., callouts 310, 312, 314) that respectively enable example alternative views (e.g., respective second pluralities included in the first plurality) of the book offerings based on predefined selection criteria.

In contrast to the limitations of claim 1, the above screen shot from Yahoo II does not disclose a region-specific category list to enable a view of a first plurality of offerings. For example, the hypertext “Yahoo! Actions – bid now!” is not associated with hypertext that is region specific (e.g., “video games”, “Coca-Cola”, “Zippo,” etc.). Neither is the hypertext “Shopping – Auctions” associated with hypertext that may be said to be region specific (e.g., “Yellow Pages – People Search – Maps – Travel” etc.). In addition, the hypertext “LA,” “New York,” “Chicago,” “Sweden,” “Spain,” and “Italy,” are links to web sites. Accordingly, such hypertext cannot be said to be a region-specific category list that enables a view of a first plurality of offerings, as required by claim 1. Finally, the hypertext “Arts & Humanities,” “Regional,” “Society & Culture,” etc. are links to web content and therefore may not be said to be a region-specific category list that enables a view of a first plurality of offerings, as required by claim 1.

Further, Yahoo II does not disclose a view selection icon that enables an alternative view of a second plurality of offerings that is included in a first plurality of offerings. Rather, the above screen shot from Yahoo II merely discloses “Regional” hypertext that is positioned over hypertext for “Countries,” “Regions,” and “US States.”

Business Wire also fails to disclose the above discussed limitations of claim 1. The Final Office Action states:

Business Wire further discloses Inter-Connex's soon to be released version of Sell-IT which will allow users to specify language preference and see the screens in their native language, and further supporting multi-cultural bazaars in which buyers and sellers can communicate in their own tongue.

Final Office Action, Pages 2-3.

Accordingly, Business Wire also fails to disclose a view selection icon that enables an alternative view of a second plurality of offerings that is included in a first plurality of offerings or a region-specific category list to enable a view of a first plurality of offerings, both limitations required by claim 1.

Independent claim 25 includes a limitation corresponding substantially to the above-discussed limitation of claim 1. The above remarks are accordingly also applicable to a

consideration of this independent claim. Accordingly, Applicants request that the above remarks also be considered when examining independent claim 25 for allow ability.

As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 2-6 and 26-30 under 35 U.S.C. § 102(b) is also addressed by the above remarks.

The Final Office Action stated that claim 7 was rejected under 35 U.S.C. § 102(b) (Paragraph 3). However, Applicants assume the Final Office Action did not intended to reject claim 7 under 35 U.S.C. § 102(b) because a reason for rejection was not provided and further because the Final Office Action rejected claim 7 under 35 U.S.C. §103(a) (Paragraph 4). Applicants have responded below to the rejection of claim 7 under 35 U.S.C. §103(a).

§103 Rejection of the Claims

Claims 7-12, 18-24 and 31-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yahoo I in view of M2P (“HP completes online strategy with launch of e-commerce site”; hereinafter M2P).

Applicants respectfully submit that claims 7-12, 18-24 and 31-36 should not be rejected under 35 U.S.C. § 103 for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 7 includes the following limitations:

displaying a listing currency in conjunction with a native currency to the user.

The Final Office Action highlights the following disclosure in M2P:

HP also announced the HP Commerce Center which enables customers to select and buy HP products in local currency and in Euros from a list of five local resellers.

The above quote from M2P describes a Commerce Center. The Commerce center enables customers to select and buy HP products in local currency. Further, the Commerce center enables customers to select and buy HP products in Euros.

Claim 7 requires displaying a listing currency in conjunction with a native currency to a user. In contrast M2P does not describe a listing currency in conjunction with a native currency to a user; rather, MP2 describes customers that select and buy HP products in a local currency of the customer and in Euros. M2P therefore cannot be said to teach or suggest the above quoted limitation of claim 7 because M2P describes MP2 describes customers that select and buy HP products in a local currency and in Euros and claim 7 requires displaying a listing currency in conjunction with a native currency to a user.

In response to the above argument the Final Office Action states, “Both Yahoo! (Yahoo I) and Well (sic) Fargo teach online sites providing listings in local currency to provide a customer convenience” (Final Office Action, page 3). Applicants respectfully submit that “providing a listing in local currency” is not the same as “displaying a listing currency,” as required by claim 7. For example:

Filing Date: July 13, 2001

Title: METHOD AND SYSTEM FOR LISTING ITEMS GLOBALLY AND REGIONALLY, AND CUSTOMIZED LISTING ACCORDING TO CURRENCY OR SHIPPING AREA

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Paranormal (14)
Poetry (4)
Religion (23)
Sports (87)
Travel (32)
True Crime (6)
Vehicles (173)

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	Henry Potter: Chamber Secrets-UK-Dobson 1st Ed	£57.00		10	07-Sep 21:38
	P.O. Woodhouse...The Jewess Cocktail book "P.O."	£28.32		4	07-Sep 21:43
	Morgan Joss: FEARFUL SYMMETRY 1st Ed. UK	£9.99		1	07-Sep 21:45
	William Morris Book Vintage Fabric	US \$26.00	£18.10	3	07-Sep 21:47
	Mike Bourne ABOUT A BOY 1st Ed. UK	£7.99		1	07-Sep 21:48
	John Le Carré Smiley's People First Ed 1989	US \$20.00	£13.92	-	07-Sep 21:50
	Wind, culture Small Isles MARY STEWART	US \$20.75	£18.62	9	07-Sep 21:50
	Orson Nash: Good Intentions-1st UK ed. 1943	£3.58		-	07-Sep 21:52
	Knight Rider 1992 UK Annual	£1.00		-	07-Sep 21:55
	CAPTAINS LOG : UNAUTHORISED GUIDE (SCAN)	£4.00		-	07-Sep 22:02
	Soccer, Tactics and Skills (Football)	£1.35		-	07-Sep 22:02
	Star Wars...book of the original film (pic)	£4.00		-	07-Sep 22:03
	The Crystal Cave MARY STEWART 1970 UK 1st ed	US \$9.75	£6.79	-	07-Sep 22:03
	Printed 1913-1968 UK Annual RARE NEAR MINT pic	£36.00		5	07-Sep 22:05
	McDougal's Cookery Book	£2.00		1	07-Sep 22:08
	Be-Bo Home Recipes	£2.20		2	07-Sep 22:08

FIG. 12B

The above **Figure 12B**, according to an example embodiment, illustrates a page 262 that is presented via a United Kingdom site that automatically converts U. S. dollars (e.g., listing currency) to U. K. £ (e.g., local currency) for items that may originally have been listed in U.S. dollars (Paragraph 72). In summary, neither Yahoo I and Wells Fargo cannot be said to display a listing currency in conjunction with a native currency to a user, as required by claim 7.

The above remarks are also applicable to a consideration the independent claims 18 and 31. Accordingly, Applicants request that the above remarks be considered when examining these other independent claims for allow ability.

As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 8-12, 19-24, and 32-36 under 35 U.S.C. § 103(a) is also addressed by the above remarks.

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yahoo I in view of M2P, as applied to claim 7, and in view of Pollick, SOLD! On eBay As Antique and Collectible Dealers See Their Sales Increase Through Online Auctions Such as eBay, More of Them are Deciding.....Afraid Of?; hereinafter Pollick). Claim 13 depends from independent

claim 7. As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claim 13 under 35 U.S.C. § 103(a) is also addressed by the above remarks.

In summary, Yahoo I in combination with M2P and in combination with Pollick does not teach or suggest each and every limitation as required to support rejections of the independent claims 7, 18, and 31 of the present application under 35 U.S.C. § 103.

Claims 14-17 and 37-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wells Fargo ("Mitsubishi Venture, Wells Fargo Partner to Offer Multi-Currency E-Commerce Storefront"; hereinafter Wells Fargo) in view of M2P.

Applicants respectfully submit that claims 14-17 and 37-40 should not be rejected under 35 U.S.C. § 103 for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

Claim 14 includes the following limitations:

displaying the listing currency in conjunction with the native currency to a use

The Final Office Action highlights the following disclosure in M2P:

HP also announced the HP Commerce Center which enables customers to select and buy HP products in local currency and in Euros from a list of five local resellers.

Independent claims 14 and 37 include the same discussed limitation of independent claim 7. Accordingly Applicants request that the above remarks also be considered when examining these other independent claims for allow ability.

As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 15-17 and 38-40 under 35 U.S.C. § 103(a) is also addressed by the above remarks.

In summary, Wells Fargo in combination with M2P does not teach or suggest each and every limitation of the claims 14 and 37 as required to support rejections of the independent claims 14 and 37 of the present application under 35 U.S.C. § 103.

Documents Cited but Not Relied upon for this Final Office Action

Applicants need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Final Office Action since these references are not made part of the rejections in this Office Action. Applicants are expressly not admitting to this assertion and reserve the right to address the assertion should it form part of future rejections.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney 408-278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Name

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